

### REMARKS

We have amended claims 1-4, 7-9, 11 and 12 and have added claim 13. With these amendments, claims 1-13 are pending. We have also amended Fig. 1 of the drawings to show a signal line that connects the interrupt/restart circuit 43 to a node between the encoder 14 and the laser drive circuit 16. The amendment of Fig. 1 is consistent with the specification (see page 15, lines 17-20). The signal line, appears in the original Japanese applications, JP 11-331419 and JP 2000-322549, from which this application claims priority. For the Examiner's convenience, Fig. 1 of the original Japanese application, JP11-331419, is attached to this letter, in which the signal line is highlighted. Please refer to the certified copies of the original Japanese applications, which were submitted to the USPTO on February 23, 2001.

### Prior Art Rejections

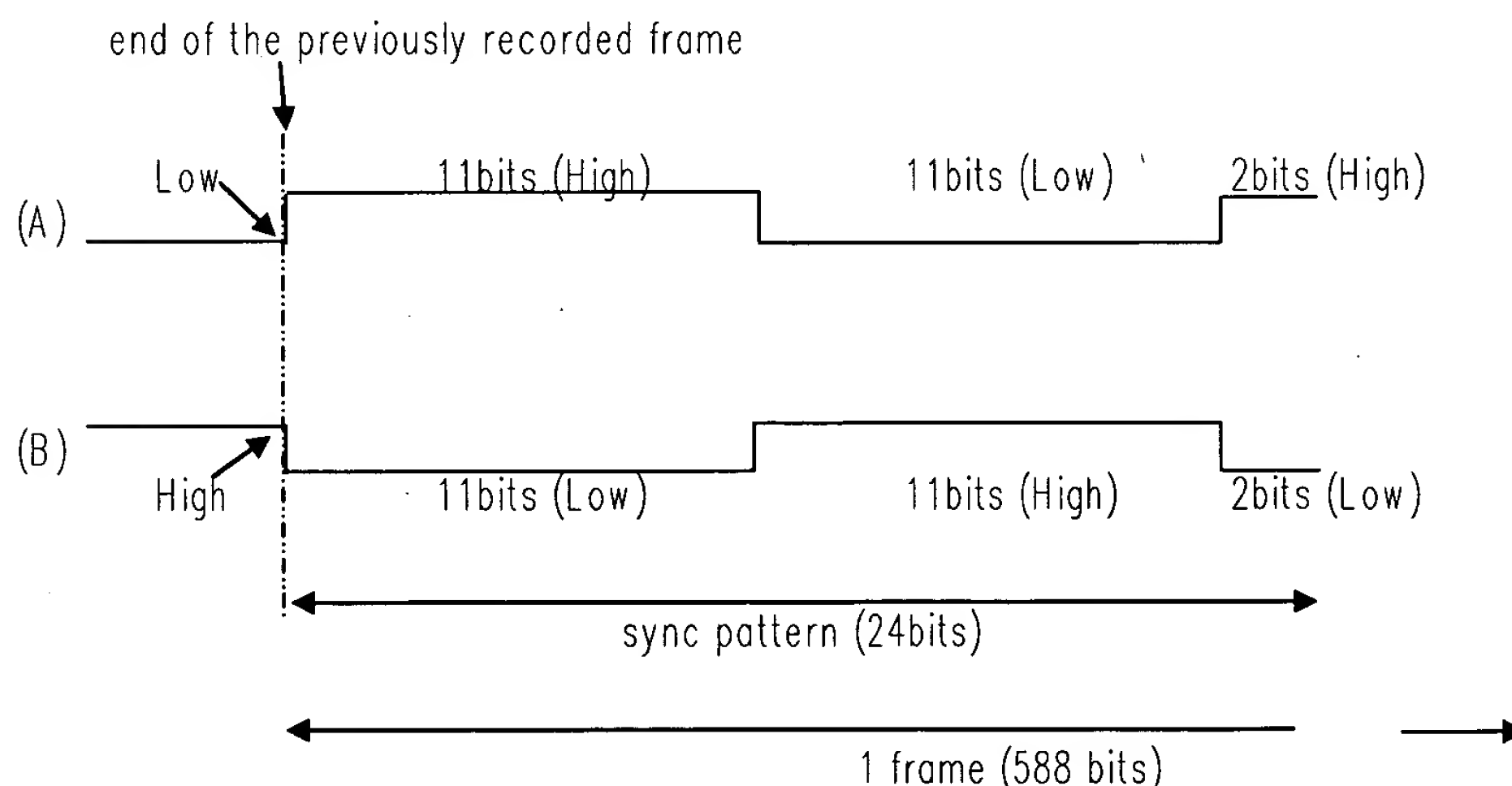
Claims 1-12 were rejected under 35 U.S.C. 102(e) as being anticipated by Tsukihashi (US 6,584,053), which is currently owned by SANYO ELECTRIC CO., LTD.

As to independent claims 1, 3, 8, and 12, the Examiner refers to column 5, lines 28-32 and column 7, lines 5-35 of Tsukihashi as disclosing an interruption control circuit 18 that interrupts data recording when a laser beam is generated at a relatively low power level. We submit however that Tsukihashi does not disclose interrupting data recording when laser beam is generated at a relatively low power level and when at least the following two conditions are satisfied:

- (i) a predetermined state is detected in which buffer underrun may occur; and
- (ii) the laser beam is generated at a low power level.

For this reason alone we submit that claims 1, 3, 8 and 12 are patentable over Tsukihashi. We further submit that because claim 2 depends from claim 1; claims 4-6 depend from claim 3; and claims 9-10 depend from claim 8, these dependent claims are patentable for at least the same reasons that independent claims 1, 3, and 8 are patentable.

As for claims 7 and 11, the Examiner refers to column 5, lines 28-32 and column 7, lines 5-35 of Tsukihashi as disclosing an interruption control circuit 18 that interrupts data recording when laser beam is generated in accordance with synch pattern of a sector. However, Tsukihashi does not disclose interrupting data recording when laser beam is generated at a relatively low power level in accordance with synch pattern of a sector. For example, a CD-R medium has a 24-bits synch pattern data added to each head of recording unit (frame). As illustrated in the following diagram, the 24-bits synch pattern data varies in accordance with the end level of the previously recorded frame.



When the end level of the previously recorded frame is low, the 24-bits synch pattern data has a pattern (A). On the other hand, when the end level of the previously recorded frame is high, the 24-bits synch pattern data has a pattern (B). In the operation of Tsukihashi, data recording may be interrupted when the laser beam is generated at a high power level. Thus, Tsukihashi does not suggest interrupting data recording when laser beam is generated at a relatively low power level in accordance with synch pattern of a sector. For this reason alone, we submit that claims 7 and 11 are patentable over Tsukihashi.

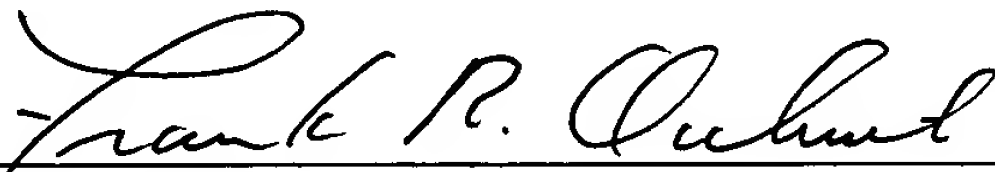
Applicant : Koji Hayashi  
Serial No. : 09/718,164  
Filed : November 21, 2000  
Page : 10 of 10

Attorney's Docket No.: 10449-  
027001 / P1S2000216US

Enclosed is a check for \$86.00 for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: JUNE 3, 2004

  
Frank R. Occhiuti  
Reg. No. 35,306

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

20859617.doc